



1951

File No. B Seals Reg/51

Legal Department-

B BRANCH

Subject:—

A Regulation for application of the  
Bombay Seals Act, 1949  
to certain Scheduled Areas

Bombay Reg. I of 1951.

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File No. B. Seals Regulation/51

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633-B

Legal Department.

Since the draft notification accompanying U.R. to H.D. No.8757, dated the 3rd August 1949 was supplied to the H.D. the legal position has changed on account of the making of the West Khandesh Mehwasai Estates Regulation, 1949 by the Governor under section 92(2) of the Government of India Act, 1935. The West Khandesh Mehwasai Estates Regulation, 1949 came into force on the 31st January 1950 on which date it was published in the Bombay Government Gazette after having received the assent of the Government Gazette after having received the assent of the Governor-General and the following consequences ~~xxxxxx~~ ensued:-

The Bombay Civil Courts Act, 1869 and the Bombay Seals Act, 1949 came into force in the territory of the Mehwasai Estates on the 31st January 1950 by virtue of the provisions of sections 2 and 4 of the West Khandesh Estates Regulation, 1949.

2. That being the case on the question of not applying the Bombay Seals Act to the territory of the Mehwasai Estates does not now survive. As the Bombay Seals Act, 1949 had not been applied to the partially excluded areas under section 92(1) of the Government of India Act, 1935, H.D. will have to consider the question of applying it to the partially excluded areas excluding the territory of the Mehwasai Estates. The Bombay Seals Act, 1949 was passed before the commencement of the Constitution and is not an Act of the Legislature of the Bombay State. Paragraph 5(1) of the 5th Schedule to the Constitution of India does not therefore apply. In order to apply the said Act to the Scheduled Area excluding villages belonging to the Mehwasai Chiefs, recourse may now be had to sub-paragraph (2) of paragraph 5 of the said Schedule and orders of Government may be taken

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to make the necessary Regulation.

3. It will be seen from the Scheduled Areas (Part A States) Order, 1950, made by the President under sub-paragraph (1) of paragraph 6 of the 5th Schedule to the Constitution of India that Scheduled Areas within the State of Bombay include all the areas which formerly were included in the partially excluded areas and some more areas from the Indian States which have now merged in the State have now been added. But so far as the areas from Indian States are concerned the Bombay Seals Act has already been applied to them under section 3 of the Bombay Merged States (Laws) Act, 1950. It will not now therefore be necessary to apply the Bombay Seals Act to the Scheduled Areas of the Merged States in view of the provisions of paragraph 5 of the 5th Schedule to the Constitution of India.

Id/-J.R.D. 9/5

Additional Secretary to Government.

U.R. to H.D.No. 6376, dated the 10th May 1950

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Legal Department.

A requisite draft Regulation is sent herewith.

2. Section 2 of the Bombay Seals Act, 1949 amends the Letters Patent of the High Court of Judicature of Bombay. By sub-section (3) of section 2 of the High Court (Seals) Act, 1960 (VII of 1950) enacted by Parliament, the provision contained in any Letters Patent, order, direction or other law relating to the use of seals by High Courts stand superseded. Section 2 of the Bombay Seals Act, 1949, does stand superseded from the 16th February. Sections 3 and 4 of the Bombay Seals Act, 1949, may therefore be applied to the Scheduled Areas subject to the following observations.

3. Comparing the provisions of the Government of India (Excluded and Partially Excluded Areas) Order, 1936 and the Scheduled Areas (Part A States) Order, 1950 it appears that -

- (1) the Shahada, Wandurbar and Taloda Talukas of the West Khandesh District; and
- (2) the Dohad Taluka and Jhalod Mahal of the Panch Mahals District,

which were formerly partially excluded areas have not now been declared as Scheduled Areas. The proposed regulation cannot now cover these two areas. To apply the Bombay Seals Act to those two areas, it will be necessary to undertake legislation (vide L.D.U.R.No.8817, dated 27-6-1950 to D.D. copy enclosed).

Id/-J.R.D. 6/12 10  
Additional Secretary to Government.

U.R. to H.D.No. 14551 dated 17th October 1950.

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No. 7254/5-B.  
Home Department.  
Bombay Castle, 30th January 1951.

From

Shri V.T.Dehejia, I.C.S.,  
Secretary to the Government of Bombay,  
Home Department.

To

The Secretary to the Government of India,  
Ministry of Home Affairs, New Delhi.

Subject:-- The Bombay Seals Act (Application to  
Scheduled Areas) Regulation, 1951.

Sir,

I am directed to forward herewith, for being presented to the Honourable the President, an authentic copy, with five spare copies, of the Bombay Seals Act (Application to Scheduled Areas) Regulation, 1951, made by His Excellency the Governor of Bombay under sub-paragraph (2) of paragraph 5 of the Fifth Schedule to the Constitution of India, and to request you to be so good as to obtain the assent of the Honourable the President as required under sub-paragraph (4) of paragraph 5 of the said Schedule, and communicate the same to this Government at an early date.

Yours faithfully,

V.T.Dehejia,

Secretary to the Government of Bombay,  
Home Department.

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No.7254/5-B.  
Home Department.  
Bombay Castle, 30th January 1951.

Copies forwarded with compliments to :-

The Secretary to the Governor of Bombay,  
The Legal Department.

Sd/-  
For Secretary to the Government of  
Bombay,  
Home Department.

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Legal Department.

The Regulations are published by the Administrative Departments concerned and not by the Legal Department. Only the number of the same is indicated by this Department. The Bombay Seals Act (Application to Scheduled Areas) Regulation, 1951 should be published as Regulation No. I of 1951 in Part IV of the Bombay Government Gazette in the form appended herewith. It may be translated into Marathi, Gujarati, Kannada and Hindi in Devnagari script. The Manager, Government Central Press, Bombay, may be requested to forward 20 copies of the Regulation as published to this Department.

Id/-  
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For Secretary to Government.

U.R. to H.D.No. 5950, dated the 13th April 1951,

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The following Regulation made by the Governor of Bombay in exercise of the powers conferred on him by sub-paragraph (2) of paragraph 5 of the Fifth Schedule to the Constitution of India having been assented to by the President on the 22nd February 1951 is hereby published for general information.

Secretary to the Government of  
Bombay, Home Department.

Bombay Regulation No. I of 1951.

(First published, after having received the assent of the President, in the "Bombay Government Gazette" on the 1951.

Press. Please insert & here the date of the publication of the Regulation in the "Bombay Government Gazette."

(Here insert the Regulation but not the endorsements by the Governor and the President).

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**BOMBAY REGULATION No. I OF. 1951.**

(First published, after having received the assent of the President in the "Bombay Government Gazette" on the 12th May 1951.

A regulation for the application of the Bombay Seals Act, 1949, to certain Scheduled Areas.

**Bom. XXII of 1949** WHEREAS it is necessary to extend the provisions of the Bombay Seals Act, 1949, to certain Scheduled Areas in the State of Bombay for the peace and good government of the said Areas;

NOW, THEREFORE, in exercise of the powers conferred by sub-paragraph (2) of paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Bombay is, with the assent of the President, hereby pleased to make the following Regulation, namely :-

**Short title, extent and commencement.** 1. (1) This Regulation may be called the Bombay Seals Act (Application to Scheduled Areas) Regulation, 1951.  
(2) It extends to the Scheduled Areas specified in the Schedule annexed hereto.

**Application of Bom. XXII of 1949, to Scheduled Areas.** (3) It shall come into force at once.  
2. Sections 3 and 4 of the Bombay Seals Act, 1949, shall apply to the areas specified in the Schedule annexed hereto. **Bom. XXII of 1949**

**SCHEDULE.**

(See section 2)

- (1) Navapur Petha and Akrani Mahal in West Khandesh District.
- (2) The Satpura Hills reserved forest areas in East Khandesh District.
- (3) Kalvan Taluka and Peint Petha in Nasik District
- (4) Dahanu and Shahapur Talukas and Mokhada and Umbergaon Pethas in Thana District.